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JUL 10 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**In the Matter of Allocation of Spectrum in the 5 GHz Band RM-8653
To Establish a Wireless Component of the National Information
Infrastructure**

**In the Matter of Petition for Rulemaking to Allocate RM-8648 the 5.1 -
5.35 GHz Band and Adopt Service Rules for a Shared Unlicensed
Personal Radio Network**

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COMMENTS OF AARON LARAMORE

I wish to submit these comments to the petition for rulemaking filed by Apple Computer, Inc. ("NII Band Petition"), and by the Wireless Information Networks Forum ("WINForum Petition"), in the above referenced matters. I am filing as an individual, long time advocate for community based computing efforts around the country, and in my role as Executive Director of Organized Neighbors Yielding Excellence, Inc. a non profit community development corporation serving an African American inner city neighborhood in Toledo, Ohio.. I strongly support the NII Band Petition and urge the Commission to take the necessary actions to make this proposal a reality as soon as possible.

In my opinion, the NII Band petition represents a way for the general public to participate in the communications revolution that has been underway for the last few years. A revolution which is bringing about a wholesale democratization of technology. It is now up to the Commission to craft and create a new service that will encourage and enhance that process. Implementation of the principles and innovative guidelines proposed by Apple in its petition would accomplish this. Doing so would create a new service where communications and computing technologies will be available without regard to geography, income level, educational level, or organizational size to everyone in the United States.

There is an increasing requirement for access to technologies that are broadband (capable of supporting, for example, videoconferencing and multimedia applications), flexible (capable of being used efficiently to maximize the benefits of limited resources), and affordable (capable of being installed and used on the budgets available to the average American). The Apple petition would make this a reality, and bring to the masses of American people the true promise of communications. America is rapidly becoming a country of technology haves and have nots. **Without an affirmative step such as that embodied in the Apple petition, institutionalized electronic redlining will become an entrenched reality.**

If our society's communications needs are ever to be fulfilled, new options must be explored. One such option of note is the Part 15 unlicensed service. Since the rules for this service went into effect in 1985, the success of Part 15 unlicensed technologies has far exceeded the early expectations of many.

As Apple notes in its petition there are problems with the Part 15 service as it is now. The unlicensed technologies are subject to constraints that will inhibit them from satisfying the

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growing need for wireless communications services. Under the Commission's rules, these devices must not cause interference to other non-Part 15 users of the spectrum that they share and they are not themselves protected from interference. As a result, many advanced applications, and those requiring extremely high reliability, have so far remained tethered to wireline services. As these technologies become more sophisticated and ubiquitous, this lack of interference protection will become more critical. This condition calls all the more for the creation of the NII Band which would address most of the problems of today's Part 15 unlicensed service and provide a workable solution.

The rules governing the operation of the NII Band should be broad enough to encompass a wide variety of wireless devices. While very high speed devices may be necessary for the implementation of certain technologies and communications methods, their use in the NII Band should not be required so as to foreclose the band to other technologies. For this reason, the petition filed by Apple is far superior to that of WINForum. The WINForum petition favors rules that will restrict the technologies used in the NII Band towards the European HIPERLAN standards. The Apple petition proposes an allocation and usage approach that accommodates the requirements of HIPERLAN, but also fosters the development of new and more innovative technologies. Further, the rules proposed by Apple would assure that all devices retain an equitable right to access and share the spectrum resources. **Equitable access is absolutely necessary** for at least two reasons. **First, service rules that favor certain configurations or technologies will undoubtedly bias future development efforts towards those configurations and technologies and will limit the scope of innovations possible in this band.** **Secondly, if any one type of transmission method is given priority in the band, then most of the advantages of this new service will be lost.** Experience in the Part 15 bands clearly demonstrates that technology will adapt to the spectrum environment as it finds it. As long as the service rules provide for an even "playing field", a multitude of different services using this band will thrive, and artificial regulatory "slights of hand" by the Commission will be unnecessary.

The principles embodied in the Apple petition should guide the Commission in creating an NII Band, particularly if it is to employ spectrum at 5725-5875 MHz in which Part 15 technologies are currently being developed and deployed. The combination of adequate spectrum and efficient pragmatic spectrum sharing rules will create an opportunity to build a true Information Infrastructure accessible to all citizens. It will certainly bring about the innovative action of entrepreneurs, and the development of tremendous communications technologies that will strengthen the technology democratization process even further. That democracy is sorely needed. The FCC has a duty to create the opportunity for that to happen.

For the reasons stated herein, I strongly support the petition for rulemaking filed by Apple Computer, Inc.

Respectfully submitted,

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